

S.S.Kilaje

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL (ST.) NO. 14664 OF 2019
WITH
CIVIL APPLICATION NO. 3432 OF 2019
IN
FIRST APPEAL (ST.) NO. 14664 OF 2019
WITH
CIVIL APPLICATION NO. 3431 OF 2019
WITH
FIRST APPEAL (ST.) NO. 14664 OF 2019**

Municipal Corporation of Greater Mumbai .. Applicant
Versus
Mohammed Zuber Mohammed Hanif Shaikh .. Respondent

-
• Mr. Om Suryawanshi for the MCGM
.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 19, 2022

P.C.:

1. Heard Mr. Suryawanshi appearing for the Applicant Corporation.
2. Civil Application No. 3431 of 2019 has been filed for seeking condonation of delay of 227 days in filing the First Appeal challenging the judgment and order dated 18.06.2018 passed by the Bombay City Civil Court at Bombay in L.C.Suit No. 2151 of 2009.
3. Mr. Suryawanshi has vehemently argued and submitted that subject structure of the respondent is standing on the road and the road is required to be widened and maintained in the public interest and better traffic flow. He has drawn my attention to paragraph No.7 of the Civil Application.

4. For the above reason stated in the Civil Application which necessarily translates into a public purpose, the delay of 277 days in filing the First Appeal by the Applicant-Corporation stands condoned. There are other reasons also given for the delay in paragraph Nos. 8 and 10 of the Application which are also considered.

5. Civil Application No. 3431 of 2019 stands allowed in terms of prayer clause (B). Applicant is directed to number the First Appeal within a period of one week from today.

6. First Appeal shall be listed on board on **1st August, 2022** “for admission”. Corporation shall give a notice to the Respondent about the next date of hearing.

[MILIND N. JADHAV, J.]

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date: 2022.07.20
17:40:54 +0530